

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

ANDREA EGGLESTON MAYO,

Plaintiff,

v.

MAURICE ALFONSO
EGGLESTON, DANA HORN
EGGLESTON, JOHN CALVIN
WHITE, AMY SHUMATE, J.
MICHAEL CONWAY, DENISE
B. CLEVELAND, LORI
COLLIER INGRAM, and KALIA
LANE,

Defendants.

CASE NO. 1:17-CV-334-WKW
[WO]

ORDER

Before the court is the Recommendation of the Magistrate Judge (Doc. # 6) to which Plaintiff Andrea Eggleston Mayo has filed objections (Doc. # 7). The court has conducted an independent and *de novo* review of those portions of the Recommendation to which objection is made. *See* 28 U.S.C. § 636(b).

In her objection, Ms. Mayo argues the merits of her case, claiming that she is entitled to relief. In so doing, she misses the thrust of the Recommendation: that her case is due to be remanded because 28 U.S.C. § 1441 only authorizes removal by state-court defendants. Because Ms. Mayo is designated as the plaintiff in the

underlying state-court action, the Magistrate Judge properly recommended that this case be remanded.

Accordingly, it is ORDERED as follows:

1. Plaintiff Andrea Eggleston Mayo's objection (Doc. # 7) is OVERRULED;

2. The Recommendation of the Magistrate Judge (Doc. # 6) is ADOPTED; and

3. This action is REMANDED to the Circuit Court of Houston County, Alabama, for lack of subject-matter jurisdiction.

A final judgment will be entered separately.

DONE this 24th day of July, 2017.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE